

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LORENZO BURGESS,

Plaintiff,

v.

**SOUTHEASTERN OHIO REGIONAL
JAIL, *et al.*,**

Defendants.

CASE NO.: 2:16-CV-00903

JUDGE: GEORGE C. SMITH

**MAGISTRATE JUDGE: KIMBERLY A.
JOLSON**

**MOTION TO DISMISS DEFENDANT
LOSEY, WITHOUT PREJUDICE,
PURSUANT TO CIV.R. 21**

Plaintiff Lorenzo Burgess ("Plaintiff"), by and through his undersigned counsel, respectfully requests that this Honorable Court dismiss Defendant Richard Losey, without prejudice, from this action, pursuant to Fed.Civ.R. 21. Plaintiff respectfully requests that all claims in this action continue against all remaining Defendants.

Rule 21 of the Federal Rules of Civil Procedure allows the Court, on its own initiative or by motion, to dismiss one or more parties to a case: "[o]n motion or on its own, the court may at any time, on just terms, add or drop a party." Here, it would be just to drop Defendant Losey as a party as it does not appear at this time that Defendant Losey would be collectible should a judgment be entered against him, as he is currently in jail and is scheduled to remain there for a significant period of time. Plaintiff respectfully requests that the dismissal be without prejudice as discovery is ongoing in this case. However, in the interests of justice and judicial economy, Plaintiff respectfully requests that Defendant Losey be dismissed, without prejudice, and that the case proceed against all remaining Defendants.

/s/ Nate N. Malek

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CERTIFICATE OF SERVICE

The foregoing was filed with the Court's electronic filing system on this 6th day of June, 2018 and was distributed via said electronic delivery system to the following:

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And was sent via regular U.S. Mail on the same date to the following:

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Respectfully submitted,

/s/ Nate N. Malek
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ORDER

This matter came before this Court on Plaintiff's Motion to Dismiss Defendant Richard Losey, Without Prejudice. Upon good cause shown, it is hereby ORDERED, ADJUDGED AND DECREED, that Defendant Richard Losey is hereby dismissed from this action, without prejudice. This case shall remain active and all other defendants shall remain in the case. Plaintiff may proceed with all of his claims against these remaining defendants.

IT IS SO ORDERED.

DATE

UNITED STATES MAGISTRATE JUDGE